

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
2019 APR 17 PM 12:41
Case No. 19-3004

IN RE:
ROGELIO VELEZ,

D/B/A QUANTUM HOME CARE, LLC.
Debtor,

CLERK
U.S. BANKRUPTCY COURT
B. DEPUTY
Chapter 7

Case No. 18-32109HCM

KAPITUS SERVICING, INC., F/K/A
COLONIAL FUNDING NETWORK, INC.
AS SERVICING AGENT FOR
PROFESSIONAL MERCHANT ADVANCE
CAPITAL, LLC.

Plaintiff

v.

ROGELIO VELEZ,

Defendant

19-3004

ANSWER AND AFFIRMATIVE DEFENSES

Defendant(s): Rogelio Velez, d/b/a Quantum Home Care, LLC., and Rogelio Velez.

I. ANSWER

Jurisdiction is established by 28 U.S.C. § 1334 and 28 U.S.C. § 157. Defendant(s) answer the complaint as follows:

1. Admit the statements contained in paragraphs/ numbers: Deny.
2. Deny the statements contained in paragraph numbers: Counts 1-4;
3. Lack knowledge and, therefore, deny the statements contained in paragraph numbers: None.

Defendant(s) deny everything in the complaint not admitted above.

II. AFFIRMATIVE DEFENSES

Defendant(s) other defenses are:

1. This debt was not obtained by Debtor Defendant by actual fraud, false pretenses, or false representations;
2. Plaintiff cannot and will not be able to meet its burden of proof showing that defendants had an intent to deceive plaintiff and that plaintiff justifiable reliance by Plaintiff on any misrepresentations; and
3. The acquisition of this loan (debt) does not involve "moral turpitude", intentional wrongdoing nor does the requisite "mens rea" exist.

WHEREFORE, Defendant(s) request that this lawsuit be dismissed and that a judgment be entered against plaintiff for any counterclaims, costs, or attorney fees.

DATED this 15 day of April, 2019



Rogelio Velez, Defendant

8032 Aman Corner

El Paso, Texas 79922

Phone: 915-274-9879

CERTIFICATE OF SERVICE

I, Rogelio Velez, hereby certify that on this 17th day of April, 2019, a true and correct copy of the foregoing "Answer and Affirmative Defenses" was E-filed and served on all appropriate service contacts pursuant to Federal Rules of Civil Procedure.

